

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING
FEBRUARY 21, 2017**

Lori Gee called the meeting to order.

Members present:

Jason Paraskeva, Michael O'Brien, Craig Smith, Steve Caswell, John Eickman. John Cutler was absent. Michelle Robbins, Planner; Dave Ellis, HVEA; Pete Setaro, Morris Associates, Scott Bryant, Engineer; Tom Wood, Attorney. Staff: Pam Baier, Clerk; Julie Beyer, Meeting Secretary were also present.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Ms. Gee announced that the next two dates were Tuesday, March 7th, 2017, and Tuesday, March 21st, 2017.

APPROVAL OF MINUTES OF MEETINGS HELD:

November 15, December 6, 2016 and January 17, 2017

MOTION made by Jason Paraskeva, seconded by Craig Smith, to approve the November 15, 2016 meeting minutes. Voted and carried unanimously.

MOTION made by Craig Smith, seconded by John Eickman, to approve the December 6, 2016 meeting minutes. Jason Paraskeva abstained. Voted and carried.

Ms. Gee stated the minutes for January 17, 2017 would be held over until the March 7 meeting to give everyone time to review them.

DECLARE LEAD AGENCY:

Hopewell Square Amended Site Plan, Route 376

Tim Allen, Bibbo and Associates and Patrick Gigliotti, owner, were present.

This action ran concurrent with the Public Hearing.

PUBLIC HEARING:

Hopewell Square Amended Site Plan, Route 376

MOTION made by Michael O'Brien, seconded by John Eickman, to declare Lead Agency for this application. Voted and carried unanimously.

MOTION made by Steve Caswell, seconded by Michael O'Brien, to open the Public Hearing. Voted and carried unanimously.

Mr. Allen stated this property is at 109 Route 376. It is a little over a 4-acre parcel in a PCP Zone. There is an existing day care on the site. They are proposing two buildings being built to the south. One will be a restaurant of 3600 square feet. The other will be for office use as well as medical office use. They are envisioning doctors and possibly dentists. There is also a retail aspect incorporated into the planning of the parking. The site is serviced by public sewer, which they will connect to and a private water system will be proposed and developed throughout the process. The daycare has its own well and this property will also have its own well. They will be

adding 104 parking spaces. The daycare already has 40 spaces and the plan meets all current zoning. They have had a meeting with the consulting engineers and received minor comments. Some of the feedback included relocating the dumpster location to the north end of the parking lot. He stated they have no problem with that.

Ms. Gee stated that Dutchess County Planning is looking for a more detailed photometric & plan. She asked Ms. Robbins if they have what is requested. Ms. Robbins stated they are working with the ARB for the exterior aesthetics of the building. They have submitted a sample for their signage and will try to match so that it and the building will ultimately look like. There will be one freestanding sign for all the buildings. Mr. Allen stated they did provide a photometric for the building and they do need a few additional lights on the plan to fill in some gaps. Ms. Gee asked if there was lighting shown on the building and Mr. Allen said yes. Ms. Robbins stated there were a couple of wall packs shown. It is not a traditional computer-generated photo metrics plan. It makes it harder to know the photometric levels at the property lines. There is some concern about the neighboring property.

Ms. Gee stated that in the plans the limits of disturbance are not shown but on the landscaping plan they were showing plantings and clearings in the same area. The plans need to be consistent. She stated they might also need changes to landscaping as they collect public comments. Engineer Bryant asked if their intent was to clear right up to Route 376. Mr. Allen stated the power company does not want plantings in their easement. They will plan to put things around the buildings and between them and the neighbor to the south.

Mr. Ellis stated that on the plan they used a bus as opposed to a fire truck for site circulation. The overhang on the fire truck is longer so they will need to modify that. They need to verify that it will clear the vertical angle going up the hill. Ms. Gee stated the school bus makes that circulation currently without a problem. Mr. Allen stated they have done the layout to ensure the trucks can make the turns but they will verify the fire truck. Mr. Ellis stated the trip generation seems conservative. Peak hours seem to coincide showing considerable a.m. peak. Mr. Allen stated the restaurant would be for lunch and dinner only. They used the IT book for their numbers. Mr. Ellis asked how far they have progressed with DOT. Mr. Allen stated they have not heard back from them after the initial meeting. Mr. Ellis stated that now they have declared as lead agent they should be given the opportunity to attend all meetings and discussions. Mr. Allen stated he feels it is a very straightforward permit. He will ensure that a copy of that gets forwarded to this Board.

Ms. Gee stated that the applicant mentions there would be medical and retail in the buildings. She asked Ms. Robbins if the parking calculations have been verified and Ms. Robbins said yes. Ms. Gee asked if there was any kind of a footpath needed between the rear parking lots in case there is overflow parking from the new building to the existing lot. Ms. Robbins stated she did not think it would be a bad idea to show passage between the back of the buildings. Mr. Allen stated they would add that. Ms. Robbins stated they have spoke about additional handicap parking spaces in front of the restaurant building and the applicant has agreed to do that. Ms. Gee asked if the main entrance to the restaurant was up at road level and Mr. Allen said yes. It will depend on the size of the restaurant. Mr. Ellis asked about the four or five parking spaces at the

front of the site and if they were needed. He stated it is an area of conflict with traffic coming in and going out. Mr. Allen stated they are necessary to meet the parking count. They may be able to land bank them. Ms. Robbins stated that they do not believe the uses will run concurrent times so there should be overflow parking available. Some parking spots at the front have been removed according to Mr. Allen. They reconfigured the parking areas so stop signs could be included. The daycare does not use all of the spaces they have. Mr. Paraskeva asked if the daycare would take over the existing building and Mr. Allen said yes. Ms. Gee stated this is one tax parcel so they should not need any sort of a parking agreement. Mr. O'Brien asked if Ms. Robbins felt that the 107 spaces met the parking requirements for these uses. Ms. Robbins stated that the applicant does meet the requirements. Usually the town requirements are very conservative so there are typically more spaces than needed. This applicant has a neighboring use that will most likely not be in use during the hours of operation for the restaurant. That should provide sufficient parking on the site. Mr. Ellis stated that the shared parking should be predicated on having a walking path. Ms. Gee would like Ms. Robbins to review the whole site to see if more parking spaces could be land bank. Mr. Allen stated they did try to make them stand-alone with 104 for the proposed, and the 40 spots for the daycare, which requires 37. They will work on land banking some of them. Ms. Robbins stated they did discuss fire zone emergency parking and where loading might occur. Mr. Allen stated he does not believe they require a fire zone. The back of the building has ample room for any equipment. Generally there would just be box trucks or UPS trucks at the door so they technically don't need a loading zone. The owner stated that unloading for the restaurant would be done in the back. Mr. Allen stated

that the buildings themselves are two-tiered with upper-level and lower level entry and parking. He said they are meeting with the Fire Advisory Board on March 2. There are notes on the plan clarifying the sprinklers. Mr. Ellis stated there is no designated loading zone at the lower level but there is parking. Mr. Allen stated that they would just be for parking. Mr. Ellis stated that would make them parking in the roadway and Mr. Allen said yes. Mr. Paraskeva stated most deliveries would probably be made in the morning when the restaurant is not open so there will not be customers parking there yet. Mr. Ellis stated his concern is that if you are trying to get around the building a box truck will be blocking the way making a delivery. He asked if those spaces could be ones that were landbanked and use it as a loading zone. Engineer Bryant stated the problem would be if they determine they need those spaces they would then lose the area designated for loading. He stated he would rather see a designated loading zone. Ms. Gee stated she believes the Planning Board has the purview to waive some parking also if Ms. Robbins' report comes back that there is sufficient parking. Ms. Gee asked if any of the spots were going to be flagged for restaurant parking only and the owner said no. Mr. Paraskeva asked how many people would be in the restaurant and the owner stated approximately 80 seats. Ms. Robbins asked if the medical they were considering would be individual doctors offices or groups. The owner stated they would be 1500 square-foot suites so they could accommodate either.

Mr. Setaro stated they had a common letter from January 12. They also had a meeting here a few weeks ago. They discussed a lot of drainage issues and he has not yet had a chance to review the new submission made by the applicant. He does know that the soil testing was done today and it went very well. It looks like the soils were very good. He does not believe there will be any

issues with resolving their comments. Patrick Gigliotti stated that approximately a year ago the fire department used the facility for training and were able to get the fire trucks around the building and up the side grade without any issues. Ms. Gee stated it is a requirement for that to be shown on the plans.

Ms. Gee asked if there were any other questions or comments from Board members. She asked if there was anyone here from the public to speak for or against this application.

Barbara Palumbo stated she lives at 89 Route 376. She asked where exactly the restaurant was going to be located. Mr. Setaro stated that her residence should be shown on the map. Ms. Gee stated there is a parking area between the restaurant and their property line. Ms. Palumbo said her concern is regarding the screening and lighting between her property and the restaurant. Her bedroom is located on that side of the house. Ms. Robbins stated that the lights on the plan are showing very low lights, approximately one-foot candle. She stated that one-foot candle is approximately the light that the moon gives off on a full moon night. She does not believe that they will get any light spill onto their property. They will ask the applicant to show her residence on the plan so they can get a better sense of where the light will be. The fixtures are decorative lanterns and the applicant has proposed some evergreen landscaping along the property boundary, which should shield their residence from some lighting. Ms. Palumbo asked if there would be any screening between the properties. Ms. Gee stated the Planning Board had recommended a staggered line of evergreens to help shield and barrier the properties, but no fences were mentioned. They would be there year round as opposed to deciduous trees. Ms. Palumbo stated the traffic is atrocious on that part of Route 376 even with a 45 mph speed limit.

Her concern is the increase in traffic to that area. She stated she also does not want to be listening to loud music at night either. Ms. Gee stated they also want to make sure that the car headlights are not hitting the house as they come around the property. She's not sure they can do anything regarding recommendations lowering the speed on Route 376. She stated that the traffic on Route 376 is so intensive that the amount of traffic will not be impacted by a development of this sort. Mr. Ellis stated the DOT is reluctant to associate traffic speeds with a development like this. If there is an issue regarding accidents they can ask. Ms. Palumbo stated she is also concerned about the loss of wildlife area. Ms. Gee stated that part of the application process is to consult with the Department of Environmental Conservation to make sure there are no threatened or endangered species on the site or if there is that they develop the appropriate plan to protect them. They have identified Indiana Bat as habitat for the site. Ms. Robbins stated they will see if they get any more comments back now that they will circulate as lead agency. Ms. Gee stated this application would be adjourned to a specific date so the neighbors will hear when this will be back before the Board again. They hope to have more information on the lighting and landscaping at that point. She stated they do appreciate public feedback. She asked if there was anyone else who would offer comments or questions regarding this application. There was no one.

Mr. Allen stated that normally a request for a speed zone on a state road would be made by the Town to the DOT. DOT will analyze and determine if signage is warranted. Mr. Setaro asked if the applicant has done any Dutchess County Department of Health work. Mr. Allen said yes and their paperwork will be submitted soon. Mr. Setaro asked if the well has been drilled and tested

and Mr. Allen said it would be done as soon as they are approved for the well location. Mr. Setaro asked if there would be a water storage tank for the projects in a basement. Mr. Allen stated there would be a pressure tank. He does not believe they will need additional storage. He stated the existing well yield for the daycare was high and he does not think it will be any different for here. Mr. Setaro stated that in regards to locating the house to the South it would be helpful to get an elevation of the base of the house to get an idea of the relation of the house to the site in terms of headlights from the cars.

Ms. Gee stated the information the applicant has to gather before coming back before the board is as follows: photometric plan, turning radius for the fire truck to include the gradient for the vertical analysis, the refuse enclosure, the ADA spaces and emergency parking, land bank parking, foot path between the two parking lots, showing a house on the plan, and the landscaping between the restaurant and the residential parcel to the south. Engineer Bryant asked if signage was shown on the new plan and Mr. Allen said yes. Engineer Bryant asked if people could walk through the building to get to the lower level for the refuse. Mr. Allen said no they need to walk outside on the sidewalk.

MOTION made by Michael O'Brien, seconded by Jason Paraskeva, to adjourn this Public Hearing to March 21, 2017. Voted and carried unanimously.

DISCUSSIONS:

Stewart Scott, 4 lots, Warren Farm Road.

Jordan Valdina was present.

Mr. Valdina stated this was formerly proposed as a six-lot subdivision. It had various impacts to wetlands. They have reduced the proposed lots into four so as to not impact the wetland buffer areas at all. To get the 100-foot setback to the wells and designing the fill pad septic systems, which are required due to high groundwater and slow perking soil left very little option for where these homes can go.

Ms. Gee asked if they were outside all of the easements on the properties. Mr. Valdina stated they are proposing changing one of the drainage easements. The lower right lot has existing drainage where there is now required fill for the septic systems so he is proposing to swing it out and shorten it a little bit. Ms. Gee asked if that was going to entail moving the pipes and Mr. Valdina said yes. Ms. Gee asked if there was any alternative to that Mr. Valdina said he did not believe so. Ms. Gee stated she believed not impacting the wetlands is a good thing and that this is a much better layout than they have seen in the past. She stated that the lower parcel seemed tight. She stated there might be some ability to put three parcels on the upper side of Burts Path and one house on the lower. Right now with the house positions the way it is proposed it has wetland buffer area in the entire backyard. They would have to get variances or a permit to be able to mow in that area. There could also be issues with getting easements for the piping and septic. Mr. Valdina stated he could see if there is a way to divide Lot 12 into three and keep the lower Lot 5 as one. Engineer Bryant asked if they were planning on moving all of the structures and Mr. Valdina said yes, they would have to close off where it comes into the catch basin and pull it up out of the ground. They would be removing the other catch basin and drain and fill it in and install the same type infrastructure in the new area. Engineer Bryant stated the front sidewalk

for that property would still be in the Town's easement. Mr. Valdina stated if he could get the three lots on the top it would alleviate all of those issues. Ms. Gee asked Engineer Bryant if a well line could cross an easement. Engineer Bryant stated the Town is not responsible for replacing things that need to be taken out of an easement if work needs to be done. They could put it there but they take the risk if it ever has to be replaced. Well pipes are subsurface and that can be more difficult. He stated it is bad practice to put things in easements. Underground infrastructure may need to be encased or enmarked to protect it. He stated that aboveground structure is easier to find and to repair than underground things. Ms. Gee stated that in order to get the separation between the well and the septic the lower house may need to move its line to the other side of the easement. Engineer Bryant stated that they do not encourage structures built in the easements unless there is a hardship. Mr. Valdina stated they would revisit the plan to see if they can put three lots above and one below.

Ms. Gee verified that these plans have no reclamation of wetlands and no encroachment. Mr. Valdina said that was correct. Ms. Gee asked if there were any questions or comments from the Board. There were none.

Mr. Setaro stated that the limits of disturbance shown seem too tight. He stated this is not realistic. He understands they are trying to stay under the 5 acres for the SWPPP requirements but with four lots proposed now they may be able to be more generous and still stay under the 5 acres. Attorney Wood stated that if they moved the three lots to the upper portion the one on the bottom would no longer be part of the application, as it will not require any subdivision.

Ms. Gee stated the applicant would have to come back and let the Board know if they are able to switch the lots around. She does appreciate the decrease in lot count. She stated they felt that the six-lot plan was difficult to accomplish especially with the continuing monitoring that would be required. Ms. Gee stated once they had a new submission for the Board they would be put on the next agenda.

MINOR MODIFICATION TO THE SITE PLAN:**Susco/DiFusco Lot Line Realignment, Brigam Lane**

Stephanie Susco was present.

Ms. Susco stated she was told she needed a lot line realignment by the Zoning Board. Ms. Gee stated she believed this meets the new form requirements for a minor modification. This was recommended from the Zoning Board.

Ms. Robbins stated the applicant is proposing a .02 acre, equal to approximately 821 square-foot, lot line realignment to correct an existing violation. A portion of the applicant's fence and patio is on the neighbor's property and the pool is within the setback or within the side yard setback. In order for the pool and patio to conform to a required setback it requires this realignment. The fence will still require a variance because the fence is located in the front of the rear line of the house. Ms. Robbins stated they are currently working on some zoning changes that will probably make that no longer a violation. They will probably allow fences in front of the rear line of the house because it does not make any sense not to when you have a pool in the side yard. Currently

it would still need a variance as it is written on the books.

Ms. Gee asked if the neighbor also signs the application agreeing to the change. No one could find a copy of an application with both applicants' signatures on it in the file. Mr. Setaro stated they also need to show where the septic located on the maps to make sure that the lot line realignment will not cause a hardship for the other applicant. Ms. Robbins stated she could check the plans filed downstairs for the well locations. Ms. Gee explained that they are required to have something in the record with both applicants' signatures on it agreeing to this lot line realignment. Without that they cannot move forward at this point. She stated that the neighbor will have to sign the Planning Board application. As soon as that gets done they can put her back on the agenda.

MINOR MODIFICATION TO THE SITE PLAN:

Millbrook Properties, Route 82. *Application has been pulled by the applicant.*

MINOR MODIFICATION TO THE SITE PLAN:

Beekman Country Club, Tent Relocations, Beekman Road

Jonathan Phillips was present.

Mr. Phillips stated they would like to relocate the tent. It is only temporary and up during their busy season. It has been over the parking lot taking up parking spaces on the south side of the building. They are proposing to move it to the grassy area on the other side of the building. Ms. Gee stated that the location of the tent might be covering part of the cart path or existing

vegetation. Mr. Phillips stated that the cart traffic can be relocated and that would also make it safer. They would have traffic all flowing in the same direction. He stated right now all the carts line up and have to change directions. If they change the traffic they would also allow the same way. Ms. Gee stated on the hand drawing of the tent there is something that says T. She asked if that was an old location. Mr. Phillips stated that a box used to be there but is no longer in use. It is a cleared and open area. Ms. Gee asked if they were planning on changing the size of the tent. Mr. Phillips said it is the exact same tent that has been up. Ms. Robbins asked what the size of the tent actually was, but Mr. Phillips was not sure. Ms. Gee asked if they were moving any lighting or if it is currently lit. Mr. Phillips stated it is currently lighting attached to the tent. The side of the building is already currently lit. The only thing they might do would be to add mood lighting as opposed to a bright spotlight. It is nothing that they would expect to spill off the property. Ms. Gee asked about accessibility and Mr. Phillips said that was one advantage of moving it. Currently there are stairs on that side of the building that people have to go down to get to the restrooms. On the other side access is on the restroom ground-level floor. Ms. Gee asked if there was a sidewalk that led up to the tent. Mr. Phillips stated they would take up cart path and redesign it for just the tent to use. It would go to and from the building and to and from the parking lot. Ms. Gee asked if there would be any other parking changes. Mr. Phillips said no. Ms. Gee asked if they would use the foot golf area for overflow parking and Mr. Phillips said if it had been used for that in the past they would continue to do so. They have only had ownership since October 1. He stated that with the tent moving they will open up more spaces and probably will not need overflow parking. Ms. Robbins asked if the tent was only for special events or if it

would be used for regular restaurant use. Mr. Phillips stated it would only be for booked events. He stated if the restaurant were full they would not spill over into that area.

Ms. Gee asked if there were any other questions or comments from Board members. Ms. Robbins asked if they would leave the tent up for the entire season and Mr. Phillips said yes. It is up for not quite six months as it is a temporary structure. Engineer Bryant stated they do need to come in every year to get the permit for the temporary structure.

Engineer Bryant stated that there is one light that spills out onto Beekman road from the parking lot. He stated that it needs to be addressed. He stated that Ms. Gee had also asked if someone could be hit by golf balls at this new tent location. Mr. Phillips stated that it is not in the area of play and should not require any protective netting. Ms. Robbins stated maybe they could either remove it or put it on a motion sensor of some sort. Mr. Phillips stated they have talked about the parking lot lighting in general. Ms. Robbins stated it is a nuisance right now to some of the neighboring properties. Mr. Phillips stated they do not like the current parking lot lights and they do plan on coming back to the Board once they have a plan in place. Ms. Gee said the applicant could work with Ms. Robbins for assistance with the lighting.

MOTION made by Michael O'Brien, seconded by Craig Smith, to approve the relocation of their temporary tent based on the drawing provided to the Board. All the other terms and conditions for this six-month temporary structure will remain in place. Voted and carried unanimously.

Ms. Gee asked if there were any other items for discussion for the night. There were none.

ADJOURNMENT

MOTION made by Michael O'Brien, seconded by Craig Smith, to adjourn the Planning Board meeting. Voted and carried unanimously.

Respectfully submitted:

_____,
Julie J. Beyer, Meeting Secretary
East Fishkill Planning Board